

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Mark L. Witten	Confirmation No.:	8590
Serial No.:	10/539,734	Art Unit:	1654
Filed:	December 21, 2005	Examiner:	Audet, Maury A.
For:	STIMULATION OF HAIR GROWTH	Attorney Docket No.:	12241-008-999

**PETITION TO REVIVE APPLICATION UNDER 37 C.F.R. 1.137(b) DUE TO
UNINTENTIONAL ABANDONMENT**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition for revival of the above-identified application, which became unintentionally abandoned on September 28, 2008, due to a failure to file a response to the Office Action dated March 27, 2008. In fact, a response was timely filed.

A response was due September 27, 2008, which fell on a Sunday. Accordingly, Applicants' response, filed Monday September 28, 2008, was timely filed. Although Examiner Audet attempted to contact the undersigned representative by telephone to confirm that a response had been filed, we were unable to connect in time to confirm that the response had been filed and the application should not be abandoned.

Applicants respectfully submit that the entire delay from the time the application became abandoned to the time this petition is filed is unintentional. Accordingly, Applicants respectfully request that this application be revived pursuant to 37 C.F.R. 1.137(b). Submitted herewith is a response to the Office Action and a copy of the Notice of Abandonment.

Ordinarily, a fee of \$810.00 is believed to be due with this petition. However, as this application became abandoned through no fault of the Applicants, Applicants hereby respectfully request that the fee ordinarily due in connection be waived. However, should the PTO decline to

waive the petition fee, please charge the fee of \$810.00, or any other fees deemed due or credit any overpayment to Jones Day Deposit Account No. 50-3013 (reference 876946-999008).

Respectfully submitted,

Date: November 5, 2008



David C. Pauling

Reg. No.: 56,056

For: Anthony M. Insogna
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JONES DAY

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Enclosures